

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of:

Senaka Balasuriya

Application No.: 10/034,794

Filed: December 28, 2001

For: **MULTI-MODAL
COMMUNICATION USING A
SESSION SPECIFIC PROXY
SERVER**

Examiner: Yves Dalencourt

Group Art Unit: 2457

Docket No.: 33692.01.0023

APPELLANT'S REPLY BRIEF IN RESPONSE TO EXAMINER'S ANSWER

Dear Sir:

Appellant's attorney wishes to thank the Examiner for the courtesies extended during the telephone conference of December 13, 2010. The Examiner agreed that the denial of entry of Applicant's amendment filed on December 7, 2009 was improper and that the amendment will be entered. Claims 35 and 36 are claims 4 and 5 rewritten in independent form and are allowed.

Appellant also wishes to thank the Examiner for the "Response to Argument" section in the Examiner's Answer. However, Appellant respectfully submits that each and every limitation as is set forth in the claim must be set forth in the single reference and must be set forth in an enabling manner. (*Elan Pharmaceuticals Inc. v. Mayo Foundation for Medical Education and Research*, 68 U.S.P.Q. 2d 1373, 1376 (Fed. Cir. 2003); see also MPEP § 2121.01). The Examiner alleges that the claimed "controller" is not being interpreted as a "web browser" when referring to controllers 1, 2, and 3 in FIG. 1 of Boloker. (Page 7 of Examiner's Answer). However, Appellant respectfully submits that the cited paragraph 101 actually contradicts the Examiner's assertion and states that the controller in FIG. 1, in a model view controller programming model, is a "WAP browser" or series of other "browsers". Accordingly, the proper

interpretation of the Examiner's position is as proffered by Appellant. Hence, a "controller" as interpreted by the Examiner in view of the cited portions of Boloker must mean a "web browser" since this is what Boloker actually describes. However, Appellant's claim and Specification shows the controller is separate from the browser and operative to select one or more of a plurality of multi-modal session proxy servers 226 (Specification, page 18, line 7 – page 19, line 4). Also claim 2, which depends on claim 1, states that the browser is "operably coupled to the controller" and as such, the Examiner's citation and interpretation of Boloker is inconsistent with Appellant's claimed structure and operation. As such, the rejection must be reversed.

As to Appellant's argument noting that Boloker fails to describe the use of multiple multi-modal session proxy servers – each having their own proxy address, and that a controller determines for each session which of the plurality of multi-modal proxy servers are to be selected from the group of session proxy servers and then determines an identifier for the selected multi-modal proxy from the group, the Examiner's Answer mischaracterizes the teachings of Boloker. Appellant is unable to find any mention of the claimed subject matter in Boloker, as Boloker does not teach such multiple session proxy use, selection and session proxy identifier use. At most, it appears that Boloker teaches that multiple modalities may be utilized but the mechanism and structure that is used to provide multi-modal features is different from that claimed by Appellant. The Examiner's Answer states that the server 170 comprises an application proxy 172 and conversational engines 173. However, the claim does not claim an "application proxy" but instead describes "a plurality of multi-modal session proxy servers". As claimed, the controller determines (see claim 1), on a per session basis, which of the plurality of multi-modal proxy identifiers represents a proxy address of a selected multi-modal session proxy server. FIG. 21 of Boloker actually uses different types of proxies (e.g., application and engine)

for different purposes. The system of FIG. 21 is designed to allow the translation, for example, of encoded speech data either by a client or network element and as stated, “the proxies 162, 172 exchange control data to enable the engine proxy 162 to effectively operate as a local speech engine for the browser 162 and to enable the browser proxy 172 to effectively operate as a local browser for the engine 173” (emphasis added). As such, application proxy 172 is actually a “browser proxy” – not a multi-modal session proxy server – simply acts as a proxy for the server in the other client device, for example. This is different from what Appellant shows, for example, in their FIG. 1, where multiple multi-modal session proxy servers 110 may be utilized by a single browser in either a terminal or a network element. Accordingly, among other errors, the rejection appears to confuse the term “application proxy” with the claimed term “multi-modal session proxy servers”.

Moreover, the claimed multi-modal proxy servers employ “multi-modal proxy identifiers” that represent both the proxy address of a selected multi-modal session proxy server”. Again, the Examiner’s Answer does not indicate where the reference teaches that the application proxy 172 employs such multi-modal proxy identifiers and proxy addresses. Appellant respectfully submits that they are not disclosed since a different type of proxy is used and since a single application proxy is used in the description of FIG. 21, for example. Accordingly, there is no need for any plurality of multi-modal session proxy servers.

Appellant also reasserts the remarks in their Appeal Brief with respect to other arguments. For example, as to claim 6, the Examiner’s Answer cites to a logic layer instance, but does not address the actual claim language in the claim which instead requires a controller to determine a per session multi-modal proxy identifier from a plurality of possible “session proxies” in response to the load balancer of the controller. The cited portion is silent as to any

such operation. Accordingly, the Boloker reference cannot anticipate the claimed subject matter and the rejection must be reversed.

Appellant respectfully submits that the rejection must be reversed and the claims should be passed to allowance.

Respectfully submitted,

Date: December 13, 2010

By: /Christopher J. Reckamp/
Christopher J. Reckamp
Registration No. 34,414

Vedder Price P.C.
222 N. LaSalle Street
Chicago, Illinois 60601
PHONE: (312) 609-7599
FAX: (312) 609-5005